IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 768 OF 2006

General Employees Union. .. Petitioner.

vs.

M/s. Inter-Gold (I)
Pvt. Ltd., & Ors. .. Respondents.

Mr. R.D. Bhatt for the petitioner.
Mr. J.P. Cama, Sr. Adv. a/w S.G. Dutia
i/by Nameet & Co. for R. Nos. 1 to 6.
Mr. M.D. Nagle for R. No. 7.
Mr. G.S. Baj for R. No. 8.

CORAM : S.U.KAMDAR, J.

DATE : 29th March, 2005.

P.C.

. It is an admitted position that in respect of the cause of action which is contended in the present petition pertaining to the transfer of the workers from the company of respondent no. 1 to the company of respondent no. 6 two complaints were filed, one being Complaint (ULP) No. 317 of 2005 preferred by the recognised union and another complaint being Complaint (ULP) No. 428 of 2005 preferred by the unrecognised union. By the

impugned order the complaint preferred by the unrecognised union has been determined and that order has been challenged in the present petition. Whereas the complaint of the recognised union is still pending. There are certain issues which are pertaining to the validity of the settlement signed by the recognised union and that the said issues are more important to be determined in the present proceedings and in light of the fact that the recognised union itself has filed a complaint challenging the said settlement, the issues must be considered by the Industrial Court together in both the complaints i.e. Complaint (ULP) No. 317 of 2005 and Complaint (ULP) No 428 of 2005. The recognised union is present in Court and they make a statement that they will prosecute the complaint pending before the Industrial Court. In the light of the aforesaid, I am of the opinion that the impugned order dated 15.2.2006 be quashed and set aside and the matter be remanded back to the Industrial Court, Mumbai with a direction that the Complaint (ULP) No. 317 of 2005 peferred by the recognised union and Complaint (ULP) No. 428 of 2005 preferred by the petitioner union be heard and disposed of expeditiously and in any event on or before 30.7.2006. The present order is passed with the concurrence of all the parties.